

1 THE HONORABLE THOMAS S. ZILLY
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 BUNGIE, INC.,

10 Plaintiff,

11 v.

12 AIMJUNKIES.COM; PHOENIX DIGITAL
13 GROUP, LLC; DAVID SCHAEFER; JORDAN
14 GREEN; JEFFREY CONWAY AND JAMES
15 MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:
July 19, 2023

16 At the request of Defendants' former expert witness Scott Kraemer ("Mr. Kraemer"),
17 Plaintiff Bungie, Inc. ("Bungie"), pursuant to LCR 5(g) and the Stipulated Protective Order entered
18 by the Court in this matter (Dkt. No. 60), hereby moves to file under seal Exhibit B to the
19 Declaration of William C. Rava in Support of Bungie's Opposition to Defendants' Motion to
20 Substitute Expert Witness ("Rava Declaration"), and the accompanying references to this exhibit
21 and information in Bungie's Opposition to Defendants' Motion to Substitute Expert Witness
22 ("Opposition").

23 A party may file a document under seal without prior court approval "[i]f the party files a
24 motion or stipulated motion to seal the document . . . at the same time the party files the sealed
25 document." LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the
26 parties met and conferred about the need to file the document under seal, the ability to minimize

PLAINTIFF'S MOT. TO FILE UNDER SEAL
(No. 2:21-cv-811) – 1

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1 the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR
2 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file
3 confidential documents it obtained from another party in discovery may file a motion to seal but
4 need not provide a specific statement of the applicable legal standard and the reasons for keeping
5 a document under seal. LCR 5(g)(3)(B).

6 Here, the exhibit that Bungie intends to file under seal consists of excerpts of the deposition
7 transcript from the June 23, 2023 deposition of Scott Kraemer, and which were designated in their
8 entirety as Confidential by Mr. Kraemer. Bungie has an obligation to maintain the confidentiality
9 of this information under the Stipulated Protective Order in this case.

10 On July 18, 2023, Bungie's counsel notified counsel for Defendants and Mr. Kraemer via
11 email of its intent to file Exhibit B to the Rava Declaration in connection with its Opposition,
12 including the specific portions of the deposition testimony to be cited, and asked Defendants and
13 Mr. Kraemer to confirm whether they intended to assert confidentiality over those portions of the
14 transcript. Counsel for Mr. Kraemer stated that he was designating the entirety of Mr. Kraemer's
15 deposition as confidential. Defendants did not respond.

16 A proposed order accompanies this motion.

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2 Dated: July 19, 2023

3 By: /s/William C. Rava
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(No. 2:21-cv-811) -3

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